

## U.S. DEPARTMENT OF COMMERCE PATENT &amp; TRADEMARK OFFICE

B/O Form PTO-1390 <b>Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371</b>		<i>Attorney's Docket Number</i> KLOF3003/FJD
		<i>U.S. Application Number (if known)</i> <b>10/1536454</b>
International Application Number PCT/EP2003/013230	International Filing Date 25/Nov/2003	Priority Date Claimed 25/Nov/2002
<b>Title of Invention</b> Method for determining the state of a field measuring instrument for process automation and process instrumentation, and field measuring instrument for carrying out the method		
<b>Applicant(s) for DO/EO/US</b> Peter Klofer and Herbert Schroth		
<b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:</b>		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under <i>35 USC 371</i>.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under <i>35 USC 371</i>.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (<i>35 USC 371(f)</i>) at any time rather than delay examination until the expiration of the applicable time limit set in <i>35 USC 371(b)</i> and PCT Articles 22 and 39(1).</p> <p>4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed <i>35 USC 371(c)(2)</i>.           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> A translation of the International Application into English (<i>35 USC 371(c)(2)</i>).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (<i>35 USC 371(c)(3)</i>)           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (<i>35 USC 371(c)(3)</i>).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (<i>35 USC 371(c)(4)</i>). ( <input type="checkbox"/> Executed      <input type="checkbox"/> Unexecuted )</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (<i>35 USC 371(c)(5)</i>).</p>		
<b>Items 11 to 16 below concern other document(s) or information included:</b>		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under <i>37 CFR 1.97</i> and <i>1.98</i>.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with <i>37 CFR 3.28</i> and <i>3.31</i> is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under <i>37 CFR 1.76</i>.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under <i>35 U.S.C. 154(d)(4)</i>.</p> <p>19. <input checked="" type="checkbox"/> Priority is claimed for German application no. 102 55 288.6 with a filing date of 26 Nov. 2002.</p> <p>20. <input checked="" type="checkbox"/> Other items or information: a copy of WO 2004/048898 A1</p>		

<i>Application Number (if Known)</i>	<i>International Application Number</i>			<i>Attorney's Docket Number</i>	
<i>10/536153</i>	<i>PCT/EP2003/013230</i>			<i>KLOF3003/FJD</i>	
				<b>Calculations</b>	<b>PTO USE ONLY</b>
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee ..... \$200.00 <input checked="" type="checkbox"/> c) Search Fee ..... \$500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.					
<b>Total Sheets</b>	<b>Extra sheets</b>	<b>Number of each additional 50 or fractions thereof (round up to a whole number)</b>		<b>RATE</b>	
- 100 =	/50=			x \$250.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
<b>CLAIMS</b>	<b>NUMBER</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total Claims	20	-20 =	x \$50.00		
Independent Claims	1	-3 =	x \$200.00		
Multiple Dependent Claims (if applicable)			+ \$360.00		
<b>TOTAL OF ABOVE CALCULATIONS</b>				\$ 1,000.00	
<input type="checkbox"/> Reduction by ½ for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.					
<b>SUBTOTAL</b>				\$ 1,000.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
<b>TOTAL NATIONAL FEE</b>				\$ 1,000.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					
<b>TOTAL FEES ENCLOSED</b>				\$ 1,000.00	
				Amount to be:	Refunded: Charged:

- a.  A check in the amount of \$ 1000 to cover the fees is enclosed.
- b.  Please charge my **Deposit Account Number 02-0200** in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

23364

Customer Number  
Phone: (703) 683-0500

DATE: May 25, 2005

Respectfully submitted,

  
 Felix J. D'Ambrosio  
 Attorney for Applicant  
 Registration Number: 25,721